

REMARKS

I. Introduction

With the cancellation herein without prejudice of claims 15 and 23, claims 10, 16 to 18, 21, and 22 are pending and being considered in the present application (claims 12 to 14, 19, and 20 were previously withdrawn due to a restriction requirement). In view of the following remarks, it is respectfully submitted that the pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 10, 15 to 18, 21, and 22 under 35 U.S.C. § 112, ¶ 1

Claims 10, 15 to 18, 21, and 22 were rejected under 35 U.S.C. § 112, ¶ 1 for failing to comply with the written description requirement. In response, claim 10 has been amended herein without prejudice to remove the feature of the sensor element does not include a measuring chamber, thereby obviating the present rejection.

Withdrawal of the rejection is therefore respectfully requested.

III. Rejection of Claims 10, 15 to 18, 21, and 22 under 35 U.S.C. § 112, ¶ 2

Claims 10, 15 to 18, 21, and 22 were rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite. In response, as mentioned above, claim 10 has been amended herein without prejudice to remove the feature of the sensor element does not include a measuring chamber, thereby obviating the present rejection.

Withdrawal of the rejection is therefore respectfully requested.

IV. Rejection of Claims 10, 15, and 23 under 35 U.S.C. § 103(a)

Claims 10, 15, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of WO 03/036281 (“Scheer et al.”), U.S. Patent No. 4,472,262 (“Kondo et al”), U.S. Patent No. 4,915,814 (“Harada et al”), and U.S. Patent Application Publication No. 2003/0116433 (“Diehl”). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons

Claim 10 relates to a sensor element for a gas sensor for determining a concentration of a gas component in a gas mixture. Claim 10 has been amended herein without prejudice to include the features of previously presented claim 15 and to further recite that *the clearance adjoins the gas supply orifice*. Support for the amendment may be found, for example, in Figures 3 and 4.

In contrast, none of the references disclose, or even suggest, a clearance adjoining a gas supply orifice. Instead, they show a diffusion barrier separating the gas supply orifice from what the Examiner alleges is a clearance (*see, e.g.*, Figures 1 and 2 of Scheer et al.).

Withdrawal of the rejection is therefore respectfully requested.

V. Rejection of Claim 16 under 35 U.S.C. § 103(a)

Claim 16 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Scheer et al., Kondo et al., Harada et al., Diehl, and U.S. Patent No. 4,808,293 (“Fukuda et al.”). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

Claim 16 ultimately depends from claim 10 and it is therefore allowable for essentially the same reasons, since the secondary Fukuda et al. reference does not cure – and is not asserted to cure – the critical deficiencies of the Scheer et al., Kondo et al., Harada et al., and Diehl references, as discussed above.

Withdrawal of the rejection is therefore respectfully requested.

VI. Rejection of Claim 17 under 35 U.S.C. § 103(a)

Claim 17 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Scheer et al., Kondo et al., Harada et al., Diehl, Fukuda et al., and U.S. Patent Application Publication No. 2004/0040846 (“Heimann et al.”). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

Claim 17 ultimately depends from claim 10 and it is therefore allowable for essentially the same reasons, since the secondary Heimann et al. reference does not cure – and is not asserted to cure – the critical deficiencies of the Scheer et al., Kondo et al., Harada et al., Diehl, and Fukuda et al. references, as discussed above.

Withdrawal of the rejection is therefore respectfully requested.

VII. Rejection of Claims 18 and 21 under 35 U.S.C. § 103(a)

Claims 18 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Scheer et al., Kondo et al., Harada et al., Diehl, and U.S. Patent No. 4,755,274 (“Mase et al.”). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

Claims 18 and 21 ultimately depend from claim 10 and they are therefore allowable for essentially the same reasons, since the secondary Mase et al. reference does not cure – and is not asserted to cure – the critical deficiencies of the Scheer et al., Kondo et al., Harada et al., and Diehl references, as discussed above.

Withdrawal of the rejections is therefore respectfully requested.

VIII. Rejection of Claim 22 under 35 U.S.C. § 103(a)

Claim 22 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Scheer et al., Kondo et al., Harada et al., Diehl, Fukuda et al., and Mase et al. Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

Claim 22 ultimately depends from claim 10 and it is therefore allowable for essentially the same reasons, since, as discussed above, none of the Scheer et al., Kondo et al., Harada et al., Diehl, Fukuda et al., and Mase et al. references disclose all of the features of claim 10.

Withdrawal of the rejection is therefore respectfully requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the pending and considered claims are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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